



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TRG  
Docket No: 4215-00  
28 June 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 27 June 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 27 June 1956 at age 17. The record shows that prior to the offenses for which you received the bad conduct discharge, you were convicted by one summary court-martial and two special courts-martial. Your offenses were three periods of unauthorized absence totaling about 100 days and missing ship's movement. A third special court-martial convened on 9 January 1959 and convicted you of an unauthorized absence of about 69 days. The court sentenced you to reduction to pay grade E-1, forfeiture of \$55 pay per months for six months, confinement at hard labor for six months and a bad conduct discharge. The bad conduct discharge was issued on 4 June 1959.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, limited education and your desire to clear your record. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your frequent and lengthy periods of unauthorized absence. The Board believed that after being convicted by courts-martial of periods of unauthorized absence, you had to know the consequences of further

absence. Therefore, your continuing absences were believed to be indicative of willful misconduct. The Board concluded that the discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director